

Message Text

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ACTION L-03

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TO SECSTATE WASHDC 1574

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E.O. 11652: N/A

TAGS: AFSP, BU

SUBJECT: BULGARIAN LABOR CONTRACT

REF: SOFIA 1670

1. TEXT OF PROPOSED NOTE FOLLOWS:

2. THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF BULGARIA AND HAS THE HONOR TO REFER TO LETTER NO. 9216, DATED SEPTEMBER 24, 1975, RECEIVED FROM THE BUREAU FOR DIPLOMATIC SERVICES OF THE MINISTRY, SUBMITTING A NEW FORM OF LABOR CONTRACT TO BE SIGNED WITH RESPECT TO THE BULGARIAN EMPLOYEES OF THE EMBASSY, AND HAS THE HONOR TO REFER AS WELL TO THE SEVERAL DISCUSSIONS OF THE NEW CONTRACT WHICH HAVE TAKEN PLACE IN THE INTERVENING MONTHS.

3. THE EMBASSY HAS THE HONOR TO INFORM THE MINISTRY OF CERTAIN UNDERSTANDINGS AND OBSERVATIONS WHICH IT HOLDS WITH REGARD TO THE LABOR CONTRACT, AS SET FORTH IN THE PARAGRAPHS WHICH FOLLOW. THE EMBASSY IS PREPARED TO SIGN THE LABOR CONTRACT WITH RESPECT TO ITS EMPLOYEES UPON RECEIPT OF A NOTE FROM THE MINISTRY STATING THAT THESE UNDERSTANDINGS AND

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OBSERVATIONS ARE ACCEPTED AND AGREED BY THE MINISTRY.

4. THE ACT OF SIGNING THE LABOR CONTRACT BY THE TWO PARTIES MAY NOT BE CONSTRUED AS A WAIVER OF THE SOVEREIGN IMMUNITY OF THE UNITED STATES GOVERNMENT NOR AS A MODIFICATION OF THE PRIVILEGES AND IMMUNITIES DERIVED FROM GENERALLY ACCEPTED PRINCIPLES OF INTERNATIONAL LAW AND PRACTICES, FROM THE VIENNA DIPLOMATIC CONVENTION, OR FROM TREATIES AND AGREEMENTS IN FORCE BETWEEN THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF BULGARIA. BEGIN BRACKET /NOR SHALL THE SIGNING OF THIS CONTRACT SUBJECT THE UNITED STATES GOVERNMENT, ITS DEPARTMENTS OR ESTABLISHMENTS OR ITS OFFICERS OR EMPLOYEES TO ANY JUDICIAL OR ADMINISTRATIVE ACTION, WHETHER CIVIL OR PENAL IN NATURE PROVIDED BY BULGARIAN LAW OR ANY OTHER LAW NOW OR IN THE FUTURE./ END BRACKET

5. THE PARTIES CONCERNED ARE COGNIZANT OF THE SPECIAL STATUS AND FUNCTION OF A DIPLOMATIC MISSION AND ACCEPT THE NECESSITY OF SPECIAL INTERPRETATIONS TO CERTAIN ARTICLES OF THE LABOR CONTRACT, AS SET FORTH BELOW, SO AS NOT TO INTERFERE UNDULY WITH THE FUNCTIONING OF THE MISSION, TO WIT:

1. IN ACCEPTING EMPLOYMENT AT THE UNITED STATES EMBASSY IN BULGARIA, AN EMPLOYEE UNDERSTANDS AND ACCEPTS THE NECESSITY FOR OCCASIONAL WORK AFTER NORMAL HOURS, OR ON WEEKENDS, OR ON HOLIDAYS. SUCH OVERTIME WILL BE COMPENSATED EITHER BY REMUNERATION AT A PREMIUM RATE IN ACCORDANCE WITH APPLICABLE BULGARIAN LEGISLATION, OR THROUGH COMPENSATORY TIME OFF.

2. PRIOR TO A BULGARIAN LEGAL HOLIDAY, THE WORKING DAY WILL NORMALLY BE ONLY SIX HOURS IN DURATION. IF LONGER SERVICE IS REQUIRED ON THAT DAY, PAYMENT AFTER SIX HOURS WILL BE MADE AT A PREMIUM RATE IN ACCORDANCE WITH BULGARIAN LEGISLATION.

3. THE LABOR CONTRACT CAN BE TERMINATED AT THE REQUEST OF ONE OF THE PARTIES, OR AT THE REQUEST LIMITED OFFICIAL USE

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OF THE BUREAU FOR SERVICES TO THE DIPLOMATIC CORPS, BY PROVIDING THIRTY DAYS NOTICE TO THE OTHER TWO PARTIES, AND BY OBSERVING THE EXISTING LEGISLATION.

4. SEVERANCE PAY WILL NOT BE PAID TO AN EMPLOYEE WHOSE SERVICES ARE TERMINATED "FOR CAUSE".

5. DISPUTES OVER THE LABOR CONTRACT SHALL BE

SETTLED THROUGH COORDINATION BETWEEN THE BUREAU
FOR SERVICES TO THE DIPLOMATIC CORPS AND THE
DIPLOMATIC MISSION.

6. THE TERMS AND CONDITIONS OF THE LABOR
CONTRACT SHALL BE INTERPRETED AND APPLIED IN
ACCORDANCE WITH THE APPLICABLE LEGISLATION OF THE
PEOPLE'S REPUBLIC OF BULGARIA AND IN KEEPING WITH
THE SPECIAL REQUIREMENTS OF A DIPLOMATIC MISSION.

6. THE EMBASSY OF THE UNITED STATES OF AMERICA
TAKES THIS OPPORTUNITY TO RENEW TO THE MINISTRY
OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF
BULGARIA THE ASSURANCES OF ITS HIGHEST CONSIDERATION.
END TEXT.
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